

App. No. 10/046,135  
Amendment Dated: May 3, 2006  
Reply to Office Action of November 3, 2005

### REMARKS/ARGUMENTS

The Office Action mailed November 3, 2005 has been received and the Examiner's comments carefully reviewed. The Office Action rejected pending Claims 20-39. Claims 20 and 27-33 have been amended. No new matter has been added.

#### Claim Rejections 35 U.S.C. 101

Claims 20-26 and 33-39 were rejected by the Office Action under 35 U.S.C. 101 because "a method for providing rich media presentation to a device over a network", and "a system for providing rich media presentation to a device over a network" were described as descriptive material, abstract ideas, or the mere manipulation of abstract ideas. Claims 27-32 were also rejected. In response, Applicants have amended Claims 20 and 27-33. The Applicants respectfully request these rejections be withdrawn.

#### Claim Rejections 35 U.S.C. 103

Claims 20-39 were rejected by the Office Action under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No.: US 20050044189 A1 of Ikezoye et al. (hereinafter Ikezoye) in view of U.S. Publication No.: US 20020124100 A1 of Adams.

In the argument for rejecting Claim 20, the Office Action states that Ikezoye in sections 0023- 0024 teaches that "a user request is received via user interface for media content to play the media content with media playing device." In contrast, Claim 20 has been amended to recite in part "receiving a non-user request for a rich media presentation" which is distinguishable from

App. No. 10/046,135  
Amendment Dated: May 3, 2006  
Reply to Office Action of November 3, 2005

the teachings of Ikezoye. As discussed, Ikezoye requires a user to input a request for playing media content.

With regard to Claim 20, the Office Action also argues that Ikezoye teaches "determining whether the request for rich media presentation comes from an unaffiliated site" by arguing that "media content is comes from client media player: sections 0007-0008." The Applicants respectfully disagree. Sections 7 and 8 of Ikezoye merely state that a user directs the client application to the appropriate server and then the server transmits the media to the client application over the Internet. There is no discussion of an "unaffiliated site" within Ikezoye. Additionally, an "unaffiliated site" is not the same as a "client application" as disclosed within Ikezoye.

The Office Action further argues that Ikezoye teaches "when the request comes from the unaffiliated site denying access to the device" at sections 19 and 20. These sections of Ikezoye, however, only disclose the use of a lookup server to find the requested media content. There is no discussion of "denying access to the device." Ikezoye merely discloses comparing media samples to a database.

The Office Action further argues that "the unaffiliated site may attempt to incorporate the rich media presentation illegally onto their site" at sections 22 and 24-26. The Applicants respectfully disagree. Section 22 discloses an intercept unit that monitors the client computer for playing media content. Sections 24-26 disclose receiving commands from a user on the client computer and using a lookup server. As discussed above, there is no discussion of "unaffiliated sites" within Ikezoye.

App. No. 10/046,135  
Amendment Dated: May 3, 2006  
Reply to Office Action of November 3, 2005

With regard to Claim 27, the Office Action argues that Ikezoye teaches "a page including a single line request that is used to obtain an include file from the provider (a user request is received via user interface for media content to play the media content with media playing device: sections 0023-0024)." In addition to the arguments made above with regard to Claim 20, Ikezoye does not disclose "a single line request that is used to obtain an include file from the provider." The Applicants have been unable to find this limitation, among others, and respectfully request the Examiner to point out with specificity where this recitation may be found. A user request is not the same as "a page including a single line request that is used to obtain an include file."

Independent Claim 33 includes similar limitations, and is allowable for at least the same reasons as presented above with regard to Claims 20 and 27.

App. No. 10/046,135  
Amendment Dated: May 3, 2006  
Reply to Office Action of November 3, 2005

Conclusion

Applicants respectfully request the entry of this preliminary amendment. In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

MERCHANT & GOULD P.C.



Timothy P. Sullivan  
Registration No. 47,981  
Direct Dial: 206.342.6254

MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, Minnesota 55402-0903  
206.342.6200

